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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,081	07/10/2003	Fabian A. Borowiecki	7784-627	3379

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,081	BOROWIECKI ET AL.	
	Examiner	Art Unit	
	Chapman E Jeanette	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-31 is/are pending in the application.
- 4a) Of the above claim(s) 13-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by parenti et al (4915998). Parenti et al discloses an insulated I blanket that may be used as a wall.

The blanket/wall comprising

- A first layer¹² (top) of insulation material of fiberglass material
- A second layer 12 (bottom) including a flexible material having
 - an outer face defining some type of pattern which may be described as decorative
 - inner face attachable to the first layer including a perimeter region
- the first layer attachable to the second layer only at the perimeter region

ALTERNATIVELY,

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3635

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth (6604603) in view of Meier et al (5169700)

Brant discloses a unitary insulated wall for a mobile platform, a trim panel for an automobile, comprising:

1. a plurality of layers of insulation 7a,7b of insulation material; see claim 15; the layer not made of fiberglass. Meier includes insulation made of fiberglass
2. a second layer 4 of flexible cloth material; this flexible material includes an outer face having a pattern as seen in figure 5; whether or not the same is decorative is determined by the preference of the one making and using the wall structure; the second layer also includes an inner face attachable to the first layer.

Wirth lacks the first layer attachable to the second at the perimeter as shown by Meier, figure 7. In view of the above it would have been obvious to one of ordinary skill in the art to modify Wirth to make the insulation of fiberglass and to attach the layers at the perimeter in order to employ a material known for its excellent insulative qualities and to provide a flange means to attach the wall of Wirth to the frame of a building or to another wall as shown by Meier. After, the modification of Meier of attaching the perimeter shown in figure 7, the layers would only be attachable at the perimeter seeing that the layers of Wirth are not attached anywhere else.

Claims 3-4, 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth in view of Meier et al as applied to claim 1 and further in view of Brandt. Wirth discloses a circumferential encloseable and containable envelope 8, column 7, lines 50-65, for the insulation material. Brandt discloses a wall having decorative embossed second layer 24 and an insulative first layer 16/22 of fiberglass foam. The fiberglass material of the first layer is enclosable within a polymeric film 18/20 capable of retaining a dye and defining an insulation bag 14; the insulation bag 14 is attachable to the inner face of the second layer 24. Further, Brandt discloses that his wall is mountable in the mobile platform 12 such that the outer faces of the second layer 24 defines an inner most surface. In view of the above, it would have been obvious to one of ordinary skill in the art to modify Wirth to include the decorative finish layer 24 and the polymeric envelope to make the wall aesthetically appeal while protecting the insulation layer as shown by Brandt.

Brandt suggest the wall material to be made on a roll for ease of transport; see column 3, lines 60-68.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth in view of Meier and further in view of Bussey, Jr. et al (5766721). Bussey, Jr. et al discloses an insulation wall for a mobile platform with an insulation layer 18 and a second flexible layer 17. Bussey discloses a plurality of wall mounting fasteners 21 including a distal connecting end freely extending from the first layer 16 in a direction facing away from the second layer 17, figure 6; Each fastener including a body extending completely through only the first layer. See figure 6. The distal connecting

Art Unit: 3635

ends operably connecting the wall 16/17 to an aperture created by the screw in the cross frame member or stud 20. The distal ends form a releasable connection if used in conjunction with a nail or screw remover such as hammer or screw driver. Brant discloses the decorative embossed surface of the second layer. Bussey discloses his wall material supplied in sheet or roll form. It would have been obvious to one of ordinary skill in the art to modify Wirth to include attach the wall panel in the manner as described above to readily adapt the panel to any surface to which it is to be applied as taught by Bussey et al.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth in view of Meier and Bussey, Jr. et al (5766721) as applied to claim 11 and further in view of Draggoo et al. (6962863). Bussey lacks the fastener having a and a releasable connection of a bulbous end. Draggoo discloses a fastener with a flange to abut the surface it is placed against and a releasable connection defining a bulbous end. See figures 30-36. It would have been obvious to one of ordinary skill in the art to further attach the insulation wall of Wirth using the method of Bussey et al and using the fastener of Draggoo et al in order to provide a strong connection between the wall and the substrate.

Applicant's arguments are moot given the new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec


Jeanette Chapman
Primary Examiner